

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HARRISON COMPANY, L.L.C.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION NO. 3:19-CV-1057-B
	§	
A-Z WHOLESALERS INC. and	§	
BARKAT G. ALI,	§	
	§	
Defendants.	§	

PLAINTIFF’S TRIAL WITNESS LIST

Pursuant to Local Rule 26.2 and the Court’s Scheduling Order (ECF No. 9), Plaintiff Harrison Company, L.L.C. (“Harrison”) may call the witnesses listed in this document at trial. Harrison reserves the right to call rebuttal witnesses if appropriate. This is a preliminary list, and Harrison reserves the right to amend this list as necessary.

A. PROBABLE WITNESSES

1. Brad Prendergast
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants A-Z Wholesalers Inc. (“A-Z”) and Barkat G. Ali (“Barkat”) (collectively, “Defendants”) did not depose Mr. Brad Prendergast, or any other Harrison witness (including any 30(b)(6) corporate representative). Mr. Prendergast is Harrison’s Secretary / Treasurer. Mr. Prendergast is also Imperial Trading Co. (“Imperial”)’s Chief Financial Officer. Harrison will probably call Mr. Prendergast to testify at trial regarding Harrison’s and Imperial’s financial

records, accounting system, and accounting practices (generally and relating to Defendants); Harrison's and Imperial's operations; Harrison's and Defendants' performance (and Defendants' subsequent failure to perform) under the Credit Agreement and Guaranty; Harrison's and Imperial's communications with Defendants, and Harrison's relationships with A-Z and Imperial. Harrison expects Mr. Prendergast's direct examination to last less than 2 hours.

2. Wayne Baquet
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants did not depose Mr. Wayne Baquet, or any other Harrison witness (including any 30(b)(6) corporate representative). Mr. Baquet is Harrison's President. He is also Imperial's President and Chief Executive Officer. Harrison will probably call Mr. Baquet to testify at trial regarding Harrison's and Imperial's organizational structure; Harrison's and Defendants' performance (and Defendants' subsequent failure to perform) under the Credit Agreement and Guaranty; Harrison's and Imperial's operations and accounting systems; and, Harrison's and Imperial's communications with Defendants. Harrison expects Mr. Baquet's direct examination to last less than 2.5 hours.

3. Sandy Zazulak
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants did not depose Ms. Sandy Zazulak, or any other Harrison witness (including any 30(b)(6) corporate representative). As Imperial's Controller, Ms. Zazulak is responsible for both Harrison's and Imperial's respective customers' accounts; applying payments, credits, and other charges to those accounts; and, calculating customer account balances, including A-Z's.

Harrison will probably call Ms. Zazulak to testify at trial regarding Harrison's and Imperial's financial records, shared accounting system, and accounting practices; Harrison's processing and invoicing of A-Z's orders and payments; Defendants' payment terms and payment history under the Credit Agreement and Guaranty; and, calculation of the A-Z's outstanding balance owed to Harrison. Harrison expects Ms. Zazulak's direct examination to last less than 1.5 hours.

B. POSSIBLE WITNESSES

1. Chris McClure
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants did not depose Mr. Chris McClure, or any other Harrison witness (including any 30(b)(6) corporate representative). Mr. McClure is the Director of Warehouse Operations at Harrison. Harrison may call Mr. McClure to testify at trial regarding Harrison's general operations, including the fact that Harrison supplied A-Z with products A-Z ordered up to and through A-Z's last order in 2019. Harrison expects Mr. McClure's testimony to last approximately 15-30 minutes.

2. Daniel Burgos
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants did not depose Mr. Daniel Burgos, or any other Harrison witness (including any 30(b)(6) corporate representative). Mr. Burgos is a Harrison Sales Manager. Harrison may call Mr. Burgos to testify at trial regarding Harrison's general operations, including the fact that

Harrison supplied A-Z with products A-Z ordered up to and through A-Z's last order in 2019.

Harrison expects Mr. Burgos's testimony to last approximately 15-30 minutes.

3. Scott Faley
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants did not depose Mr. Scott Faley, or any other Harrison witness (including any 30(b)(6) corporate representative). Mr. Faley is the Transportation Manager for Harrison. Harrison may call Mr. Faley to testify at trial regarding Harrison's general operations related to delivery of product, including the fact that Harrison delivered goods to A-Z that A-Z ordered up to and through A-Z's last order in 2019. Harrison expects Mr. Faley's testimony to last approximately 15-30 minutes.

4. Dejon Jackson
c/o Locke Lord, LLP
2200 Ross Ave. Ste. 2800
Dallas, Texas 75201
(214) 740-8000
junis@lockelord.com

Defendants did not depose Mr. Dejon Jackson, or any other Harrison witness (including any 30(b)(6) corporate representative). Mr. Jackson is a Harrison delivery truck driver. Harrison may call Mr. Jackson to testify at trial regarding Harrison's delivery operations used to deliver Harrison goods to A-Z up to and through March 2019. Harrison expects Mr. Jackson's testimony to last approximately 15-30 minutes.

5. Barkat G. Ali
c/o Joyce W. Lindauer Attorney, PLLC
1412 Main Street, Suite 500
Dallas, Texas 75202
(972) 503-4033
joyce@joycelindauer.com

Harrison reserves the right to call Mr. Ali, as a rebuttal witness, by deposition. Harrison deposed Mr. Ali on January 5, 2021. Mr. Ali is a Defendant in this case. Mr. Ali personally guaranteed the Credit Agreement between Harrison and A-Z. Harrison has identified Mr. Ali's probable testimony in Plaintiff's Deposition Designations from the Deposition of Barkat Ali, filed contemporaneously herewith, which Harrison incorporated by reference pursuant to Fed. R. Civ. P. 10(c). Harrison expects Mr. Ali's testimony, if necessary, to take 15-30 minutes.

C. EXPERTS

Harrison only designated experts on attorneys' fees. Harrison understands fees will be addressed post-trial.

D. RECORD CUSTODIANS

1. Brad Prendergast
c/o Locke Lord, LLP
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2. Wayne Baquet
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3. Sandy Zazulak
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4. Chris McClure
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5. Daniel Burgos
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6. Scott Faley
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7. Dejon Jackson
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Respectfully submitted,

/s/ Joseph A. Unis, Jr.

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**ATTORNEYS FOR PLAINTIFF
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CERTIFICATE OF SERVICE

I certify that I served Plaintiff's Trial Witness List on all counsel of record via the Court's ECF system and/or via email.

/s/ Joseph A. Unis, Jr.

Counsel for Harrison Company, L.L.C